REMARKS

Claims 1-26 were pending when an Office Action was mailed March 11, 2004. The Office Action objected to the drawings and Claim 1 and rejected Claims 1-4, 6, 8-20, 22, and 24-26 under 35 U.S.C. § 102 and Claims 5, 7, 21, and 23 under 35 U.S.C. § 103. By way of this amendment, Applicants hereby submit a new FIGURE 2, amend Claims 1, 4, 9, 15, and 17 and cancel Claims 8, 10-14, 16, and 24-26. Pursuant to 37 CFR § 1.111, Applicants respectfully request reconsideration of the application.

OBJECTION OF THE DRAWINGS

The Office Action objected to FIGURE 2 for containing handwritten notation. Applicants hereby submit a new FIGURE 2 that no longer includes a handwritten notation, thereby rendering this rejection moot.

OBJECTION OF CLAIM 1

The Office Action objected to Claim 1 because the Applicants should consider removing the a), b), and c) designations of the limitations. Applicants have amended Claim 4 to positively refer to the limitations identified in Claim 1 thereby identifying their importance in the claim set. Therefore, Applicants submit that Claim 1 is no longer objectionable.

REJECTION OF CLAIMS 1-4, 6, 8-20, 22, AND 24-26 UNDER 35 U.S.C. § 102

The Office Action rejected Claims 1-4, 6, 8-20, 22, and 24-26 as being anticipated by Irion et al. (hereinafter Irion). The Office Action states that Irion discloses a method that exposes a digital image sensor to a test card, compares the image signal generated by the elements of the sensor and generates a profile of the sensor based on the comparison. With regard to amended independent Claim 1, Applicants respectfully traverse this rejection.

Applicants have amended Claim 1 to include the limitations of Claim 8 and 10. With regard to Claim 10, the Office Action states that Irion discloses determining an average value of pixels surrounding a pixel corresponding to a photosite determined to be inoperable and assigning the average value to the pixel that corresponds to the inoperable pixel.

Applicants submit that Irion discloses that all pixels lying in intensity below a certain threshold are replaced by the "average maximum" of the active pixel within a certain search area (col. 7, lines 52-59). This appears to take the average maximum of one active pixel and use that

to take the place of the intensity of the pixel having an intensity below a certain threshold value. In other words, Applicants submit that Irion fails to teach or suggest determining an average value of pixels surrounding the malfunctioning pixel in an image generated and recorded by the sensor.

Therefore, Applicants submit that amended independent Claim 1 is allowable over the cited reference. Applicants submit that amended independent Claims 15 and 17 are similar to amended independent Claim 1 and therefore are allowable for the same reason that makes Claim 1 allowable. Because Claims 2-4, 6, 8, 16, and 18-23 depend from allowable independent claims, they are allowable for the same reasons that make their corresponding independent claims allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 5 and 21 were rejected as being unpatentable over Irion in view of Selby et al. (hereinafter Selby).

Selby discloses a method for determining offset and gain correction for a light sensitive device. Applicants submit that Selby fails to teach or suggest alone or in combination with Irion generating an image and adjusting the image by replacing the output (pixel) of malfunctioning sensor elements with the average value of pixels surrounding the malfunctioning pixel. Therefore, Applicants submit that because Claims 5 and 21 depend from allowable Claims 1 and 17 respectively, they are allowable for the same reasons that make their corresponding independent claims allowable.

Claims 7 and 23 were rejected as being unpatentable over Irion in view of Lin et al. (hereinafter Lin).

Lin discloses a method for color correction in a multi-chip imaging array. Applicants submit that Lin fails to teach or suggest alone or in combination with Irion generating an image and adjusting the image by replacing the output (pixel) of malfunctioning sensor elements with the average value of pixels surrounding the malfunctioning pixel. Therefore, Applicants submit that because Claims 7 and 23 depend from allowable Claims 1 and 17 respectively, they are allowable for the same reasons that make their corresponding independent claims allowable.

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CONCLUSION

Applicants respectfully submit that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicants respectfully request withdrawal of the rejections, allowance, and early passage through issuance. If the examiner has any questions, the examiner is invited to contact the Applicants' agent listed below.

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

6/30/04

Date of Deposit

Michelle J. Carman

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